

Statutory Document No. 2020/0300

*Employment Act 2006*

## ANNUAL LEAVE (AMENDMENT) REGULATIONS 2020

*Approved by Tynwald:* 5 June 2020  
*Coming into Operation:* 7 June 2020

The Department for Enterprise makes the following Regulations under section 167 of the Employment Act 2006.

### 1 Title

These Regulations are the Annual Leave (Amendment) Regulations 2020.

### 2 Commencement

If approved by Tynwald<sup>1</sup>, these Regulations come into operation on 7 June 2020.

### 3 Amendment to the Annual Leave Regulations 2007

- (1) The Annual Leave Regulations 2007<sup>2</sup> are amended as follows.
- (2) In regulation 2 (interpretation)—  
after the definition of “calendar year” insert—
 

<p>☐ “Coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2); ☐.</p>
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- (3) In regulation 4 (entitlement to annual leave)—
  - (a) at the beginning of paragraph (8)(a) insert ☐ Subject to paragraphs (10) and (11), ☐;
  - (b) after paragraph (9) insert—
 

<p>☐ (10) Paragraphs (11) and (12) apply where a worker has not, as a result of the effects of coronavirus (whether on the worker, the employer, the wider economy or society or otherwise), taken all of the leave to which the worker was entitled under this regulation in respect of a leave year (“unused leave”).</p>
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<sup>1</sup> By virtue of section 175 of the Employment Act 2006, Regulations made under section 167 of the Act shall not have effect unless they are approved by Tynwald.

<sup>2</sup> SD 102/07

- (11) Unused leave may be carried forward and taken only in the two leave years immediately following the leave year in respect of which it arose.
  - (12) In accordance with regulation 5(2)(b), an employer may require a worker not to take unused leave on particular days only where the employer has good reason to do so. **22**.
- (4) In regulation 5(2)(b) after “leave” insert **23** (subject, where it applies, to the requirement in regulation 4(12)) **22**.
- (5) In regulation 8 (compensation related to entitlement to leave)—
- (a) in paragraph (1) for “This regulation applies” substitute **24** Paragraphs (1) to (4) of this regulation apply — **22**;
  - (b) after paragraph (4) insert—
    - 23** (4A) Where a worker’s employment is terminated and on the termination date the worker remains entitled to leave in respect of any previous leave year which carried forward under regulation 4(10) and (11), the employer shall make the worker a payment in lieu of leave equal to the sum due under regulation 7 (payment in respect of periods of leave) for the period of untaken leave. **22**.

**MADE 3<sup>RD</sup> JUNE 2020**

**LAURENCE SKELLY**  
*Minister for Enterprise*

*EXPLANATORY NOTE**(This note is not part of the Regulations)*

These Regulations amend the Annual Leave Regulations 2007 (“ALR”) to provide an exception relating to the effects of coronavirus to the bar on carrying forward untaken leave under Regulation 4 of the ALR.

Regulation 4 ALR entitles workers to 4 weeks of annual leave in each leave year. Where any of this leave remains untaken at the end of a leave year, regulation 4(8)(b) prevents that leave being carried forward into the next year. This is amended by regulation 3(3) of these Regulations, which inserts an exception to this bar on carrying forward untaken leave. The exception applies where at the end of a leave year it was not reasonably practicable for a worker to take some or all of the leave to which the worker was entitled under regulation 4 as a result of the effects of coronavirus (including on the worker, the employer or the wider economy or society). In this case the untaken leave may be carried forward and taken in the following two leave years.

Regulation 8 ALR provides for a payment in lieu of any untaken annual leave where a worker’s employment terminates. This regulation is amended by regulation 3(5) of these Regulations to provide for a payment in lieu of any leave that is carried forward under the exception inserted by regulation 3(3) and remains untaken on the date of termination.